

STATE OF NEW YORK : SUPREME COURT  
COUNTY OF DELAWARE

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**JOHN DOE,**

**Plaintiff,**

**COMPLAINT**

**-vs-**

**WALTON CENTRAL SCHOOL DISTRICT,**

**Defendant.**

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**X**

Plaintiff complaining by and through his attorney, Law Office of Ronald Benjamin alleges as follows:

1. This action is commenced IN ACCORDANCE WITH CPLR 214-G AND 22 NYCRR 202.72. This complaint is filed pursuant to the Child Victims Act (CVA) 2019 Sess. Law News of N.Y. Ch. 11 (S. 2440), CPLR 214-G, and 22 NYCRR 202.72.
2. Plaintiff John Doe is currently a resident of North Carolina.
3. Walton Central School District is a public municipal corporation in charge of all educational matters within the district including but not limited to being responsible for the education, health, welfare and safety of its students.
4. That in 1987 the plaintiff was 6<sup>th</sup> grader attending Townsend Elementary School.
5. At all times herein mentioned Erwin Latourette an employee of Walton Central School District; his responsibilities included but not were not limited to monitoring and supervising students in detention and at the pool.
5. That on or about September 1987 Erwin Latourette; approached the plaintiff and

began talking about family, the plaintiff told Latourette his father was not home a lot because he was a truck driver.

6. Latourette invited plaintiff to come over to his home and plaintiff advised him he would have to get permission from his family which he did.
7. That Latourette lived approximately one block from school and plaintiff began going to his home after school and Latourette asked plaintiff about girls and whether he had ever had sex or oral sex with girls and whether or not he would be interested in doing that; plaintiff indicated he would be interested
8. Latourette then told plaintiff he would be able to arrange that but that he would have to be blindfolded in order to have the girls do that; plaintiff agreed.
9. Thereafter plaintiff went to Latourette's home and Latourette blindfold the plaintiff and took him upstairs to another room and told him to keep the blindfold on and that the girl would be coming shortly, after which oral sex was administered and the plaintiff believing it was a girl from school.
10. That thereafter plaintiff would go to Latourette's house and the same procedure followed namely, that he would be blindfolded taken upstairs to room oral sex would be administered and that continued for approximately 6 months when the plaintiff decided to peek through the blindfold and discovered it was Latourette that was giving him oral sex.
11. That after discovering it was Latourette the discussion ensued in which Latourette told the plaintiff it had to be a secret because he would lose his job and his standing in the community and that included being a firefighter and an EMT as well as working in the hospital OR as a volunteer.

12. Plaintiff then continued going to Latourette's house and having oral sex administered to him by Latourette for approximately 6 months to year; plaintiff realized what they were doing was not right and it came to an end even though he continued to have a friendship with Latourette for approximately 2 years after; which they continued talking.
13. That as a result of the aforesaid abuse the plaintiff began to abuse alcohol which he continued to do from that point until the present.
14. The drinking started around 7<sup>th</sup> grade and by 10<sup>th</sup> grade the plaintiff dropped out of school.
15. That thereafter plaintiff was diagnosed with depression and made at least one suicide attempt when he was about 17 years old.
16. That thereafter plaintiff went to Rehabilitative Support Services (RSS) where the plaintiff remained until he was about 19 years old after which he attempted going to college at Sullivan County Community College.
17. Plaintiff attended college for approximately 3 semesters but was unable to focus on studies and continually became depressed and left college; after that he was reinstitutionalized at RSS, for about 6 months.
18. That thereafter plaintiff and Mary Roe married and had 2 children together.. During the marriage the plaintiff went to SUNY Delhi for several semesters focusing on auto mechanics but again was unable to complete the degree.
19. Plaintiff was drinking heavily during these years and the same resulted in a divorce and plaintiff ultimately agreed to give up the 2 children to Mary Roe's new husband because of his alcohol issues.

20. Plaintiff then met Jane Doe who he married and is currently still married to.
21. That as a result of sexual abuse described above plaintiff has remained an alcoholic, unable to get his life together, unable to obtain an education consistent with what he would have been able to obtain but for the abuse which resulted in his dropping out of school after the 10<sup>th</sup> grade, and has sustained permanent psychic harm, nightmares, and was subjected to untold humiliation, feelings of guilt and embarrassment.
22. Upon information and belief, defendant through its agents, officers and employees was negligent in hiring Latourette; including failure to properly screen Latourette ensuring that he had the credentials and moral character that would permit him to interact with students including supervising them on a regular basis.
23. Upon information and belief, defendants through its agents, officers and employees were negligent in monitoring Latourette's activities at the school and knew or should have known he was a sexual deviant or had a propensity to engage students, and particularly young males in sexually deviant conduct as he was always in the company of young males which was well in excess of what would ordinarily be anticipated with regard to carrying out his day-to-day responsibilities at the district.
24. Upon information and belief, that in light of the same he was able to interact with students and particularly the plaintiff, and encourage them to interact with him in a deviant manner similar to what occurred with the plaintiff.
25. That as a result of the aforesaid negligence the plaintiff sustained the damages set

25. That as a result of the aforesaid negligence the plaintiff sustained the damages set forth herein.
26. That the Child Victim's Act expressly excluded the requirement that a notice of claim be filed with the District prior to the commencement of any action hence no such notice was filed in the instant case.
27. As a result of the aforesaid, plaintiff (John Doe) has been damaged in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, and is entitled to compensatory damages in an amount to be determined at trial.

**WHEREFORE** plaintiff demands judgment against the defendant as follows:

- (1). Award plaintiff compensatory damages in an amount to be proven at trial.
- (2). Award plaintiff exemplary damages in an amount to be proven at trial.
- (3). Award plaintiff such other and further relief as the Court deems just and proper under the circumstances, including the costs and disbursements of this action.

Dated: August 21, 2019  
Binghamton, New York



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